



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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June 18, 2015

David Hutchinson
1339 Belfast
Livermore, CA 94550

Re: Your Request for Informal Assistance
Our File No. I-15-111

Dear Mr. Hutchinson:

This letter responds to your request for advice regarding your duties under the post-governmental employment restrictions of the Political Reform Act (the “Act”).¹ Because your question is general in nature and not about specific post-governmental employment activities, we are treating your request as one for informal assistance.²

FACTS

You are a former elected member of the board of directors of the Livermore Area Recreation and Parks Department. You are applying for employment at Hewlett-Packard (“HP”) as a Business Program Manager. HP has asked you to seek an ethics opinion letter from the Commission regarding the post-employment restrictions of the Act.

ANALYSIS

The Act imposes a one-year “revolving door” ban applicable to high-level local officials. (Section 87406.3.) Only specified officials are subject to the one-year ban of Section 87406.3, including local elected officials such as directors of the Livermore Area Recreation and Parks Department (the “Department”).³

The local one-year ban prohibits you, for one year after leaving the Department, from representing any other person, for compensation, by appearing before or communicating with the Department in an attempt to influence the department’s decisions in an administrative or legislative

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

³ Local government agencies include any county, city, or district of any kind including a school district, or any other local or regional subdivision, or any department, division, bureau, office, board, commission or other agency of the foregoing. (Section 82041.)

action, whether quasi-legislative or quasi-judicial, or any action involving a permit, license, contract, or transaction involving the sale or purchase of property or goods.⁴ (Section 87406.3; Regulations 18746.2 and 18746.3.)

So long as your future employment will not involve these prohibited activities, the Act would not apply to your post-governmental employment.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Hyla P. Wagner
General Counsel

/s/

By: John W. Wallace
Assistant General Counsel
Legal Division

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⁴ Note that Section 87406.3(c) does not preclude a local governmental agency from adopting its own ordinance or policy restricting the activities of former agency officials so long as the ordinance or policy is more restrictive than Section 87406.3. Former local agency officials should consult their former agency regarding any locally imposed restrictions.